

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FRANK DRIVER,)
Plaintiff,)
v.)
NPC INTERNATIONAL, INC. d/b/a Case No. _____
PIZZA HUT and TACO BELL CORP.,) (Original action filed in Davidson County Circuit
Defendants.) Court Case No. 13C1138)

NOTICE OF REMOVAL

Defendants NPC International, Inc. d/b/a Pizza Hut (“NPC”) and Taco Bell Corp. (“Taco Bell”) (collectively “Defendants”) hereby remove this action to the United States District Court for the Middle District of Tennessee, Nashville Division, pursuant to 28 U.S.C. § 1332 and § 1441, and in support thereof, state as follows:

1. On April 19, 2013, Defendants were served with copies of the Summons and a Complaint entitled *Frank Driver v. NPC International, Inc. d/b/a Pizza Hut, and Taco Bell Corp.*, Case No. 13C1138, pending in the Circuit Court of the State of Tennessee, Davidson County. The Complaint was the initial pleading served upon Defendants setting forth the claims upon which such action is based. True and correct copies of the Summons and Complaint are attached hereto as Exhibit A and constitute all pleadings, process, and other documents served upon Defendants in this action.

2. In the Complaint, Plaintiff alleges that he was subjected to unlawful sexual discrimination, sexual harassment, retaliation and retaliatory discharge. (Compl. at ¶¶ 16 – 56.)

3. This is a civil action over which this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.00.

4. Plaintiff's Complaint demands, *inter alia*, compensatory damages of \$150,000.00 or an amount to be determined by the jury and punitive damages of \$150,000.00 or an amount to be determined by the jury. (Compl. at p. 11.) Therefore, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. The Parties also have complete diversity of citizenship. Plaintiff is a citizen and resident of Tennessee. (Compl. at ¶ 1.) NPC is a Kansas corporation whose principal place of business is in Kansas. Taco Bell is a California corporation whose principal place of business is in California. Accordingly, this Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332, and Defendants can remove Plaintiff's Complaint to this Court pursuant to 28 U.S.C. § 1441.

6. The Summons and Complaint were served on NPC on April 19, 2013. (See Exhibit A.) Likewise, the Summons and Complaint were served on Taco Bell on April 19, 2013. (Id.) On May 13, 2013, Defendants filed this Notice of Removal. Therefore, this Notice of Removal was timely filed pursuant to 28 U.S.C. §1446(b) having been filed within thirty (30) days after service of Exhibit A.

7. Venue is proper in this Court.

8. Pursuant to 28 U.S.C. §1446(d), Defendants are giving written notice of the removal of this action to all parties and is filing a copy of this Notice with the Circuit Court of the State of Tennessee, Davidson County. (Attached hereto as Exhibit B.)

WHEREFORE, Defendants remove this action to this Court.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that I have this 14th day of May, 2013, caused the foregoing to be filed using the Court's CM/ECF system. In addition, I have caused the foregoing to be served, via U.S. Mail, on the following attorney of record:

Nina Parsley
Michael Ponce & Associates, LLC
1000 Jackson Road, Suite 225
Goodlettsville, TN 37072

A handwritten signature in black ink, appearing to read "Nina Parsley", is written over a horizontal line.